

REMARKS

Response to Restriction Requirement

Reconsideration of the captioned application in view of the following remarks is requested. The claims pending and under consideration are claims 1-14.

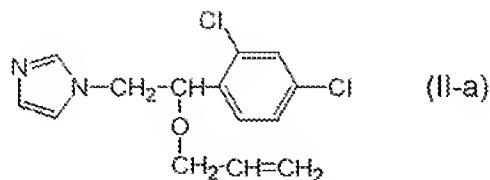
The Applicants respectfully object to and traverse the issuing of the current restriction requirement. The Office Action has divided the claims of the present application into Groups I-VIII and it is asserted, *inter alia*, "The inventions listed as Groups I-VIII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

As evidenced by Nelson et al. (US 6,207,695) compositions comprising imazalil and didecyl dimethyl ammonium chloride (DDAC) are known (column 2, lines 30-68; column 7, lines 22-24). Therefore there is no special technical feature uniting all the claims."

The Applicants respectfully traverse the aforementioned analysis for a number of reasons. First, Groups I-VIII include DDAC and a post-harvest antifungal agent as part of the combination and thus there is necessarily overlapping subject matter. Second, Group I (claim 2) is a dependent claim of claim 1 and therefore in searching the patentability of claim 2, the Office will also be searching the patentability of claim 1. Third, the Office Action has failed to express or provide a reason as to why the examination of Groups I - VIII would create an undue burden. Accordingly, the Applicants respectfully request that the restriction requirement be withdrawn in the above-referenced matter on the grounds that the examination of Groups I-VIII can be made without serious burden (MPEP 803).

The Office Action has divided the claims of the present application into Groups I-VIII. Applicants hereby provisionally elect, with traverse, the subject matter of Group I (claim 2).

The Office Action has required election of a species for purposes of the search. Applicants hereby provisionally elect, with traverse, 1-[2-(2,4-dichlorophenyl)-2-(2-propenyl)oxy]ethyl]-1*H*-imidazole (Example II-a, page 2):



The selected invention is encompassed by claims 1, 2, and 9-14.

Please charge any fees, which may be required for this submission to Johnson & Johnson
Deposit Account 10-0750/PRD-2188USPCT/JKM.

Applicant respectfully requests that early action be taken in this case.

Respectfully submitted,

By: /Jeremy K. McKown/

Jeremy K. McKown
Reg. No. 47,785

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-6250
Dated: 01/9/09